

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:09CR129
Plaintiff,)	
)	
vs.)	ORDER
)	
BRYAN S. BEHRENS,)	
)	
Defendant.)	

This matter is before the court on the oral motion of parties for a trial setting. The motion was made during a hearing on a motion to dismiss and a motion for a bill of particulars held on November 10, 2009. The defendant acknowledged the additional time needed for the motion would be excluded under the calculations under the Speedy Trial Act. The oral motion was granted.

IT IS ORDERED:

1. The parties' motion for a trial setting is granted. Trial of this matter shall commence before Senior Judge Lyle E. Strom and a jury **on April 12, 2010**, in Courtroom No. 5, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, for a period of two weeks.

2. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., **from November 10, 2009 through April 12, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 10th day of November, 2009.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge